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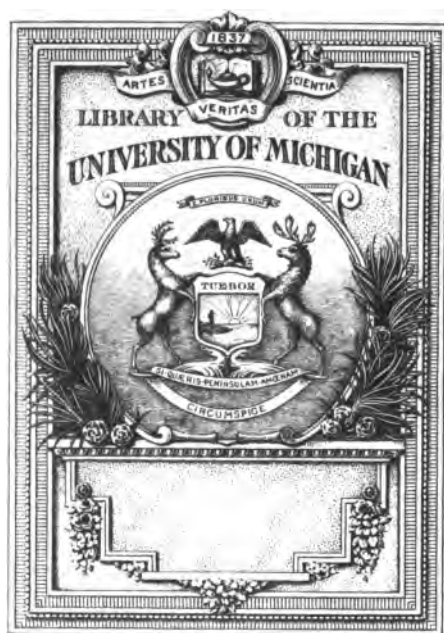
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AMERICAN PRISON ASSOCIATION SEMI-CENTENNIAL 1870-1920

COUNTY JAILS "IN THE LIGHT OF THE DECLARATION OF PRINCIPLES OF 1870"

ILLUSTRATIVE MONOGRAPHS

- I. Quotations from Declaration of Principles by the Congress of 1870 Applicable to the County Jail.
- II. The Abolition of the County Jail by Frederick Howard Wines, LL.D., 1911.
- III. Report of Special Committee on Jails by Charles R. Henderson, LL.D.
- IV. Report of Special Committee on Jails, Lockups and Police Stations by H. H. Shirer, 1913.
- V. Abstract of Report of Committee on Jails, Lockups and Police Stations by John L. Whitman, 1914.
- VI. Abstract of Report of Committee on Jails, Lockups and Police Stations by William T. Cross, 1915.

NEW YORK CITY
1920

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COUNTY JAILS

"IN THE LIGHT OF THE DECLARATION OF PRINCIPLES OF 1870"

By HASTINGS H. HART, LL.D.

I gladly consented to discuss county jails at this Semi-Centennial Meeting because I believe that no more important subject will be considered here.

The prisoner usually has his first experience behind the bars in a jail, and that is the time of greatest opportunity for his reclamation. He has received a shock. He realizes for the first time the inevitable consequences of his reckless course. That is the time when the sheriff, the jailer, the doctor, the psychiatrist, the social worker, and the Christian teacher should unite their wisdom and their effort for his redemption.

Every person here present knows the difficulty of reclaiming those who have become fixed in criminal habits. This is especially true of certain forms of crime, for example, theft and gambling. The hope of reforming a beginner in the early stages of these destructive habits is ten times greater than that of reforming a repeater.

In a paper read before this Association in 1907 I said: "I candidly believe that we have reached the point in the development of prison reform where the National Prison Association ought to address itself systematically and faithfully, for a series of years, to the reformation of the county jail system." This declaration was quoted with approval by the Committee on Jails in their report of 1916.

In this program of one hundred and twenty minutes I am given five minutes—one twenty-fourth of the allotted time. I suspect that this assignment represents the estimate which the Association holds of the relative importance of this subject.

I have examined the 26 volumes of Proceedings from 1883 to 1919. They contain about 14,000 pages. Of these, about 170 pages—a little over 1 per cent.—are devoted directly to the sub-
anew 3

ject of county and municipal jails. In the nine years from 1888 to 1897 I can find only one page of direct discussion of jails. It is true that the subject of county jails is referred to incidentally in reports on prison discipline and in numerous papers and addresses, but these 170 pages are all that I can find dealing directly with the subject.

Jail papers were presented by Dr. Frederick Howard Wines in 1877; General R. Brinkerhoff, 1884; Mr. Eugene Smith, 1885; Mr. E. A. Meredith, 1887; Mr. Joseph P. Byers, 1898; Professor W. F. Blackmar, 1901; Mr. Alexander Johnson, 1906; and Mr. W. Almont Gates, 1909—all of which have permanent value. Dr. Wines pursued this subject from 1863 until 1912. Almost his last utterance was his splendid appeal, at the Boston Conference of Social Work, for the abolition of the jail system. But these notable efforts, as I have indicated, have represented only a little fragment of the great mass of discussion in this Association.

The United States Census Bureau has treated this subject with the same scrupulous economy which has prevailed in this Association. In the Census Volume on Prisoners and Juvenile Delinquents, 1890, prisoners awaiting trial were included, but in 1900 and 1910 only sentenced prisoners were included, and those awaiting trial were entirely left out of account. Surely the American people ought to be interested in the question of how many prisoners awaiting trial, witnesses, insane people, and young children were confined in the jails of this country, but that information is entirely lacking.

In 1906 a committee was appointed to "investigate the character, methods, and influence of the county jail system of the United States," with Dr. Charles R. Henderson as chairman. This committee made an elaborate study of the entire jail system and accumulated a very large amount of valuable material. Dr. Henderson presented a summary of 20 pages which was published in the Proceedings of 1907, but the general report was never published and its invaluable material was lost to the world.

In 1909 a resolution was adopted for the appointment of a special committee on jails, of which Superintendent Leonard, of the Ohio State Reformatory, was chairman. This committee was renewed from year to year. The special committees on jails submitted three excellent reports: one in 1913 by H. H. Shirer,

chairman; one in 1914 by John L. Whitman, chairman; and one in 1915 by W. T. Cross, chairman.

In 1916 the special committee on jails was not renewed, and I find no mention of jails in the indexes of the annual Proceedings since 1915.

In preparation for this paper I sent a questionnaire to more than 50 students of the prison question. I asked them to give me, in 50 words, their idea of what a jail should be, and then I asked them to mention five jails which reasonably met the standards thus prescribed. One man only, Dr. Emory T. Lyon, of Chicago, was able to mention three "which approximate the better standards in most respects." Not one of these, however, was located in Dr. Lyon's state of Illinois.

All these correspondents agreed that the use of the county jails should be restricted to prisoners awaiting trial; but outside of the states of Indiana, South Carolina, North Carolina, and Alabama, only a few jails conform to this rational and necessary standard. I asked each correspondent to state what improvement had been made in the jail system of his state within the past ten years. With one accord they described improved lighting, heating, feeding, cleanliness, and kindly treatment, but not one of them indicated any intelligent movement for reformatory dealings with prisoners awaiting trial beyond occasional religious services.

Men and women of the American Prison Association, I charge you with fifty years' neglect of the most hopeful and most deserving part of the prison population. I beg you to repent and, from this day forward, to attack the jail problem with the same interest and intelligence whereby such great results have been accomplished in the reformation of convict prisons and the development of the modern adult and juvenile reformatory system.

I suggest that, from this day forward, there be a standing Committee on Jails, Lockups, and Municipal Prisons, and that the first undertaking of this committee be to elaborate a definite program for the reformation of the county jail.

Such a program might include such features as the following:

- I. The organization, in every county, of a county jail committee, including a lawyer, an educator, a business man, a representative of the labor union, a Protestant clergyman, a Roman Catholic clergyman, and two women, the duty of this committee to be to provide for the case study of each prisoner committed to the

county jail, and to secure in behalf of each prisoner who is not a confirmed criminal such wise and friendly influences as shall tend to restore him to good citizenship.

2. The elimination of the political control of county jails. This might be done by making them state institutions, administered by a state board, by relieving the county sheriff of responsibility for their administration, by the selection of jail officers under Civil Service rules, solely on the ground of fitness, and by establishing schools for their training.

3. The exclusion of all sentenced prisoners, insane patients, and children from county jails, and committing misdemeanants to state farms, or district farms under state control, with reformatory discipline.

4. The making of public provision for physical and psychological examinations, and medical, surgical, and psychiatric treatment of prisoners.

5. Public provision for thorough case study of the personal, family, and criminal history of each person committed to the county jail as the basis for the reformatory work of the county jail committee and the public officers.

6. Provision of opportunity for outside employment, on the plans now pursued at Montpelier, Vermont, Dayton, Ohio, and Wilmington, Delaware, for such prisoners awaiting trial as may safely be permitted so to work.

7. Securing honorable employment for discharged prisoners.

8. Development of a better type of jail architecture, adapting it for these reformatory purposes.

I submit herewith the address of Dr. Frederick Howard Wines, at the National Conference of Charities and Corrections of 1911, on "The Abolition of the County Jail," together with the report of the special Jail Committee of 1907, prepared by Dr. Charles R. Henderson, and abstracts of the reports of the special Jail Committees of 1913, 1914, and 1915.

I

DECLARATION OF PRINCIPLES BY THE CONGRESS
OF 1870

QUOTATIONS APPLICABLE TO THE COUNTY JAIL

II. The treatment of criminals by society is for the protection of society. But since such treatment is directed to the criminal rather than to the crime, its great object should be his moral regeneration. Hence *the supreme aim of prison discipline is the reformation of criminals*, not the infliction of vindictive suffering.

VI. *The two master forces opposed to the reform of the prison systems of our several states are political appointments, and a consequent instability of administration.* Until both are eliminated, the needed reforms are impossible.

VII. *Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer.* Then only will the administration of public punishment become scientific, uniform, and successful, when it is raised to the dignity of a profession, and men are especially trained for it, as they are for other pursuits.

XI. *In order to effect the reformation of imprisoned criminals, there must be not only a sincere desire and intention to that end, but a serious conviction, in the minds of the prison officers, that they are capable of being reformed,* since no man can heartily maintain a discipline at war with his inward beliefs; no man can earnestly strive to accomplish what in his heart he despairs of accomplishing.

XII. A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended; but how is this possible with his mind in a state of hostility? No system can hope to succeed which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. . . .

XIV. *The prisoner's self-respect should be cultivated to the utmost, and every effort made to give back to him his manhood.* There is no greater mistake in the whole compass of penal discipline than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration.

. . .

XX. It is the judgment of this congress that *repeated short sentences for minor criminals are worse than useless; that, in fact, they rather stimulate than repress transgression.* . . .

XXII. *More systematic and comprehensive methods should be adopted to save discharged prisoners by providing them with work and encouraging them to redeem their character and regain their lost position in society.* . . .

XXXI. *The construction, organization, and management of all prisons should be by the state, and they should form a graduated series of reformatory establishments.* . . .

XXXII. *As a general rule, the maintenance of penal institutions, above the county jail, should be from the earnings of their inmates, and without cost to the state.* . . .

XXXIII. *A right application of the principles of sanitary science in the construction and arrangements of prisons is a point of vital importance. The apparatus for heating and ventilation should be the best that is known; sunlight, air, and water should be afforded according to the abundance with which nature has provided them; the rations and clothing should be plain but wholesome, comfortable, and in sufficient but not extravagant quantity; the bedsteads, bed, and bedding, including sheets and pillow-cases, not costly but decent, and kept clean, well aired, and free from vermin; the hospital accommodations, medical stores, and surgical instruments should be all that humanity requires and science can supply; and all needed means for personal cleanliness should be without stint.*

XXXVI. *As a principle that crowns all, and is essential to all, it is our conviction that no prison system can be perfect, or even successful to the most desirable degree, without some central authority to sit at the helm, guiding, controlling, unifying, and vitalizing the whole. We ardently hope yet to see all the departments of our preventive, reformatory, and penal institutions in each state moulded into one harmonious and effective system; its parts mutually answering to and supporting each other; and the whole animated by the same spirit, aiming at the same subjects, and subject to the same control; yet without loss of the advantages of voluntary aid and effort, wherever they are attainable.*

II

THE ABOLITION OF THE COUNTY JAIL

An Address by FREDERICK HOWARD WINES, LL.D.

At the NATIONAL CONFERENCE OF CHARITIES AND CORRECTIONS, Boston, 1911

Of all the reforms included under the general title of prison reform in the United States, none is so urgent as the overthrow of our existing system of dealing with misdemeanants. We have made substantial progress in the reconstruction of our penitentiary system. But are you aware that in each year the number of commitments to prison for terms not exceeding one year is four times as great as that for any longer period? In other words, even though all our prisons, great and small, were reformatory in their aim and influence, the major prisons would reach and touch only one-fourth of the criminal and quasi-criminal population in custody of the law. Three-fourths of those in custody are, in fact, held in institutions, the practical effect of which is to train an unascertained percentage of their inmates for the penitentiary.

When, a few months since, that distinguished group of foreign criminologists and experts in prison administration in attendance upon the sessions of the international prison congress in Washington accepted the hospitality of the government and made a hurried tour of inspection of some of our leading and typical penal institutions, they were good enough to express their admiration of our reformatories, both for children and adults, but they could with difficulty find language at once sufficiently severe and decently diplomatic with which to voice the amazement and horror awakened in them by a casual glance at the municipal and county prisons of this great republic. And when they spoke to us about it, they seemed to think they were telling us what we did not know.

On the contrary, there is not an habitual visitor to our county jails, official or philanthropic, who is not alive to the evil conditions that prevail in most of them. In any library that makes a specialty of collecting public documents I could show you scores or hundreds of reports in which attention is called not only to the generally unsatisfactory state of these minor prisons, but to the peculiarly repulsive and dangerous conditions existing in some of

them. Certainly all are not equally bad. It is no part of my purpose to indulge in exaggeration for the sake of exciting a momentary sensation, or to represent as typical what is really exceptional. But the best jail that was ever built, although the physical treatment accorded to its unfortunate inmates may be perfectly humane and just, fails to subserve any of the ends of a prison except that of confinement. There is in it no organized, intelligent, thorough effort to reclaim the men and women committed to it. Such effort as may be made, in certain prisons, is apt to be sporadic, spasmodic, and it is ordinarily neutralized by the contamination of unrestricted communication and mutual intercourse between prisoners.

The number of what may be called good jails is relatively small. Most of them are unsanitary, owing to their location or to their architectural construction. Many of them are overcrowded, almost to suffocation. They are often horribly filthy. They are centers of tuberculous and syphilitic contagion.

Where one finds filth one is apt to find disease and immorality. The moral atmosphere of the average county prison is even more foul than the physical odors that often assail the nostrils of the visitor with nauseating effect. The associations, the language, the practices in vogue are vile beyond description. The inmates are corrupted by compulsory association in enforced idleness. The worst of these prisons are cesspools of moral contagion, propagating houses of criminality, factories of crime, feeders for the penitentiary, public nuisances, the disgrace of modern civilization.

And yet all the effort put forth to change these conditions for the better has thus far proved almost wholly unavailing.

Why this indifference, this inertia, this immobility? Doubtless it is partly attributable to ignorance. The county officials do not know what a jail should be, and the people do not know what their jails really are. The evil effects are scattered over an immense territory, and they are subdivided until the aggregate amount is hidden from sight in an almost endless mass of details. But in plain Anglo-Saxon, the truth is that wherever there exist local graft and political dishonesty, the county prison is its center and its stronghold. The sheriff or the jailer makes a personal profit from crime by charging a per diem for board for prisoners, and by the receipt of fees for locking and unlocking the jail doors. That profit is a live wire; no local politician, possibly no member

of the legislature, or even of the state administration, dares monkey with it.

Instead, therefore, of laying the axe to the root of the tree, would-be reformers resort to compromise measures, and undertake to "improve" the jails, or, as the Illinois Charities commission phrases it, to "standardize" them. Ladies and gentlemen, there can be and will be no material improvement in these establishments, so long as they continue to be regarded as local institutions and remain subject to local control. Strange, is it not, that the smaller communities should be so anxious, as they often are, to unload the burden of their poor, their sick, their insane, their helpless and forlorn, of all ages, upon the shoulders of the commonwealth, where it does not belong, but fight to retain that of their criminals, which by right the state alone should bear.

- This is, in my judgment, the secret of our failure and defeat. We have substantially won the fight for the reformatory prison and the indeterminate sentence, because we concentrated our fire upon a vulnerable point and made every shot tell. We made use of siege guns and loaded them with shell. In attacking the county jail system, we have pursued the opposite policy: we have scattered our fire and placed our reliance upon buckshot. We have addressed our arguments and remonstrances to the county authorities, of whom there are, in round numbers, twenty-five hundred sets, instead of to the legislative bodies, of which there are less than fifty. We have pleaded for new jails, better jails, when we should have insisted upon their replacement by prisons owned and controlled by the state, thus emancipating them from local political control, with its petty and selfish interests.

There was a time when local control was necessary and proper, but that was long ago. (Today the county prison is an anachronism. We imported it, with other British institutions, from England, the mother country. But conservative England has outgrown it, and dates the dawn of her regenerated prison system from the year of its abolition. We still lag behind in the march of modern civilization.

The Washington international prison congress awakened much dormant interest in all phases of the prison question throughout the world, but especially in the United States. We succeeded in the attempt to modify the mental attitude of Europe toward our

reformatory system in its application to felons. Five years from now we shall meet our European friends in London to renew this great debate. Meanwhile they point to us with polite scorn, and tell us that, until we change our method of treatment of misdemeanants, we have no right to arrogate to ourselves the position of leaders in the great work of prison reform. The best answer to this taunt is to give heed to it, with ready recognition of the friendly intent of their warning and admonition. "Let the righteous reprove me; it shall be an excellent oil, that will not break my head." We thank them for it, and trust that it may do us good. Is not this the opportune moment for effecting a complete change of base, for the adoption of a new plan of campaign, and for the inauguration of an evolutionary or, if you please, a revolutionary program?

The relative importance of this burning question rests not alone upon the numerical preponderance of misdemeanants in our prisons, but upon the more favorable prospect of a reduction in the volume of crime, through the wise and skilful application to them of a reformatory prison discipline, than is to be anticipated from the attempt to reform more hardened and daring culprits. Let me give you a modern, sociological version of that hackneyed quotation from Juvenal, *Maxima debetur puero reverentia*. "In prison discipline, the misdemeanant, not the felon, should be our first and chief concern."

Mine is a poor, weak voice: it will not carry very far. This right arm is not the arm of a giant, nor even of an athlete: it will not deliver a smashing blow. For the sake of the human derelicts languishing in merited or unmerited confinement, I could wish that both were stronger. Still more earnestly do I wish it for the sake of our common country and its honor. An old man suffers in many ways that a young man hardly understands. One of my secret griefs is the shame I feel that my country has so long tolerated, and continues to tolerate, a wrong which disgraces it in the eyes of the world, and which, unless it is redressed, must sooner or later bring down upon it the vengeance of Almighty God.

III

REPORT OF SPECIAL COMMITTEE ON JAILS

By CHARLES R. HENDERSON, D.D., *Chairman*

Chicago, 1907

In accordance with the terms of this resolution, your committee has faithfully labored, during the year, to collect, tabulate and consider all procurable facts and competent judgments on the subject. In this investigation we have been materially aided by Superintendent Whittaker, of Indiana, who printed the schedules, and by *Charities and The Commons*, whose vigorous agent, Mr. L. G. Palmer, selected a list of reliable visitors and sent out the schedules. Most of the visitors have been intelligent and careful in their inspections and reports, and we are greatly indebted to them and would be glad to recognize them publicly and by name, if permitted.

The scope of the investigation was determined by the resolution creating the committee; we were to report (1) upon the actual conditions of county jails and workhouses in the United States, and (2) to offer recommendations for improvement.

The schedules used were based on forms successfully employed by the authorities of Indiana in a similar inquiry into conditions in that State. There are over forty questions in this schedule, calling for detailed information on all aspects of jail conditions.

The results were carefully tabulated under the following heads: (1) Security of the jail as a place of restraint; (2) conditions affecting the health of prisoners, as of food, underclothing, beds and bedding, cleanliness of building, ventilation, heating, light, water, sewage, bathing, exercise, recreation, medical care, crowding; (3) occupation and idleness of prisoners; (4) personal contact and influence of inmates on each other; provision for separation and classification by sex, age, character; witnesses, debtors, tramps, abnormal persons, children, youth; (5) educational and religious influences; (6) administration—fees for feeding, receiving and discharging prisoners; (7) discipline—rules of conduct and measures of control; (8) population of jail and its classification.

We have also collected and made abstracts of the laws of all states relating to jails. We have gathered over 289 schedules from 37 states and territories, including the District of Columbia. Every geographical division is fully represented in this collection, and from some states a large number of counties have reported. We have materials for a picture of the conditions in city, town, village and wholly rural jails, east and west, north and south. The reports are intelligent, impartial and honest, and the information is as exact as can be obtained without personal inspection by trained experts. In several cases the investigation is reported by trained experts. We may regard the testimony as substantially correct and reliable.

Of course only government statistics could pretend to be complete for the whole country; but our intensive study of fewer institutions gives a more definite and searching picture of the facts than the government census itself. They should be studied together.

In addition to the other facts furnished by the reports on schedules, the committee has studied former discussions of the National Prison Association, reports of State officials and boards, and studies of various intelligent investigators. It will be impossible to present all the facts and opinions considered, and we must select some of the most significant materials bearing upon the recommendations which we offer for further discussion.

CONDITIONS OF COUNTY JAILS IN THE UNITED STATES

The tables themselves cannot be reproduced in this report, on account of space and cost involved; but the summarized results of a study of all the materials, with minute accounts of particular typical jails, will not give a false impression.

When it is possible to give a really statistical form of the data, we shall do so.

I. CONDITIONS OF SECURITY

The primary purpose of a jail, according to general practice, is to retain arrested persons, and, in the case of convicted misdemeanants, to punish them by a period of restraint of liberty—especially if they are too poor to pay a fine.

A few jails are reported to be too badly constructed to hold dangerous criminals; but, apparently, nearly all are secure or contain steel cages for special cases. There does not seem to be pressing need of attention and reform in this matter.

(If the only or chief purpose of jails were to keep wild beasts \ in cages, most of them are well enough adapted to this purpose.)

II. CONDITIONS OF HEALTH

Your committee has a very large mass of reliable information in respect to the physical conditions affecting the health of the inmates and the public. Recent discoveries have more clearly revealed the fact that communicable diseases cultivated in jails are a menace to the public. John Howard, with very inferior scientific knowledge, tried to make England realize this point in the eighteenth century, and neglect of it has been the responsible cause of thousands of deaths—of sheriffs, jailers, judges and honest work people. Even if the unconvicted prisoners, many innocent of crime, could be disregarded, public interest in the hygienic conditions of jails is involved.

1. *Food*.—The majority of investigators seem to be satisfied with the food furnished the prisoners, and few express dissatisfaction with quality, quantity or mode of serving.

But they furnish dietaries which compel your committee to believe that the food usually, or at least often, supplied, is by no means up to a modern standard, is not a "balanced ration," containing, in proper proportions, the elements necessary for the human body. The dietaries often reveal an excess of stimulant, in coffee, too little milk and cereals, too much meat. It is not unusual to read that idle prisoners are fed meat two or even three times a day.

This whole matter should be placed in the hands of a medical commission in each State, with power to fix a standard diet, adapted to the climate, the season, the activity, the age and the sex of prisoners. Speaking with all due respect of county officials we affirm, upon our evidence, that they are not usually competent persons to draw up a dietary for prisoners of any kind.

And as to the customary mode of serving food, we can use no milder phrase than that it is revolting and demoralizing and often dangerous to health. It would seem that the average county authorities think that anything is good enough for a

prisoner, and that the word "prisoner" practically means a condemned criminal.

We have grave doubts about the wisdom of permitting friends of prisoners to bring them food. It is difficult to prevent the surreptitious introduction of tools for escape and even weapons of assault in the food.

All the hygienic rules of a well-ordered establishment are disturbed by this permission; discipline is made more difficult, because of the partiality shown favored persons. The State should furnish suitable food to each prisoner and no outside interference should be permitted. Differences of food may properly be made with various classes of prisoners—as persons waiting trial, convicted misdemeanants, prisoners under disciplinary punishment, children and women. It is scandalous when a sheriff or his friends are permitted to make money by trading with prisoners.

Our conclusion is that food is generally sufficient, sometimes excessive in quantity; but that in variety, balance of elements of nutrition, and mode of serving, serious reforms and State central control are much needed.

2. Clothing, and Especially Underclothing.—The supposed brevity of term in a county jail and the fact that many inmates are simply in temporary detention, awaiting trial, are factors influencing public care for clothing. The jail differs, in these respects, from a State convict prison or reformatory.

In jails (as distinguished from local houses of correction, workhouses and penitentiaries) there is no thought of uniforms. The prisoner wears his own outer clothing as a matter of course, unless it is absolutely too tattered and filthy even for the society of a jail.

The questions which called for data relating to clothing were: "Underclothing changed how often?" and "Does county furnish underclothing?" The general rule seems to be that underclothing is changed once a week.

The custom of supplying or not supplying underclothes differs not only from State to State, but from county to county in the same State. We think it would be approximately correct to say that usually the county authorizes giving underclothing when it is imperatively required for health and decency, and that the prisoner is required to furnish his own underclothing when he is able to do so.

Naturally the authorities vary considerably in their judgment of what is necessary and in their generosity to poor prisoners.

Only central State regulation, supervision and control could secure reasonable and uniform treatment of inmates. At present, the replies reveal inequality and partiality which shock the sense of equity and justice.

3. *The conditions relating to beds, bedding and cell furniture* may be considered together. The questions asked were: "Kind of beds?" "Kind and cleanliness of bedding?" "Bedding washed how often?" "Other furniture?"

Spartan simplicity reigns in the furniture of cells: a table, a chair, an iron frame, hinged to swing against the wall or a canvas hammock, occasionally a shelf and a mirror. Often we must imagine bunk over bunk, in the same cell or cage, crowded until the horrors of stench and suffocation are indescribable. Simplicity is desirable; there is no call for luxury; but there is no reason or fairness in subjecting unconvicted citizens to dirt and crowding, and thus punishing them more severely than the felons sent to a State prison, and that even before trial, while they are legally and presumptively innocent.

So far as we could learn, the prisoners rarely suffer from cold, since the building, in cold weather, is usually artificially heated, and light bed covers are adequate.

It must be confessed that jailers should not be hastily blamed for the dirty condition of blankets, coverlets and sheets, of which many inspectors report. The clothing of vagrants, tramps, inebriates after debauch, and of disorderly women, is not often immaculate, and very frequently is densely inhabited. The boarding houses and dens, from which many come, are alive with vermin and charged with germs of communicable disease. The life habits of many prisoners are on a level of those of savages, with a certain civilized refinement in the art of accumulating the conditions of disease.

What can be expected, when we are told, as we often are, that prisoners are graciously permitted to wash their own bed covers, inside the jail, when the dirt becomes unendurable? When the bath tub is the only laundry, the chance of spreading disease is increased.

But under an open jail system, the filthiest, vilest prisoner punishes and tortures those who have not yet sunk to his level,

for the vermin crawl from him to others and the stench from his dirty bedding defiles all other cells and corridors. Under an isolation cell system, this could be prevented; with the open structure, practically universal, it is impossible to prevent it. This is true of the lockups of many cities as well.

What can you look for in cells where unclean persons roll in their beds, both day and night, often lying down with clothing and shoes on? Cleanliness would be a miracle, and therefore it is rare. The best the visitor dares to write is "the bedding is fairly clean, considering the situation." The situation is vile.

We have no information in the schedules about the methods of cutting hair and shaving faces; but we have seen and heard enough to convince us that, at this point, there are innumerable opportunities of conveying disease.

4. *Cleanliness of Building.*—One of the questions asked in the schedule was: "Cleanliness of building?" In respect to corridor floors and walls, and the halls leading to the jail, the jailer has a better chance and more control; and therefore the most frequent answer was that these parts of the building were clean. Possibly, in a few cases, there was a special revival of scrubbing, whitewashing and painting, in anticipation of a visit of some distinguished lady or gentleman, representing a learned profession and the American Prison Association; but this was not common. We can say that the floors and walls of most jails inspected were tolerably clean, so far as the naked eye could see. None of our visitors reported the use of an immersion lens microscope in his examination of the scrapings of floors and walls. The bacteriologist, alone, could render a strictly scientific verdict.

County officials generally do not profess to be bacteriologists; but a State central board of supervision might well take up the study by employing an agent with fortified eyes. Some of the most dangerous and numerous enemies of humanity are not detected by a casual visitor, and do not affect the sense of smell.

5. *Ventilation.*—The visitor was requested to report of the jail: "How ventilated?" The answers are not often satisfactory and this is not surprising. Ventilation is a complicated subject. The adequate and constant supply of fresh air depends on several factors: the cubic contents of an inhabited space, the number of persons residing in this space, the methods of influx and exit, the character of the air outside the edifice and in the

cellar, the methods of setting up currents as by open grates or fans. The art of ventilation and the hygienic necessity for it are not always understood even among educated people. Science is not yet popular, nor well taught in schools; and science is supposed to be too good for "jail birds." So long as the superstitious dread of "night air" fastens down windows in palaces, and so long as tuberculous children cough out bacilli behind double glass windows of mansions, what can we look for in jails? The answers are often vague. Mention is made of windows, rarely of ventilating pipes from cell through roof. But are the windows open? Are the pipes stopped up with newspapers "to prevent draughts"? We do not know. We cannot trust to instinct and the sense of smell. The most deadly bacteria are odorless, as well as invisible to the unaided eye. A State bacteriologist or sanitarian would examine the air with microscope and other instruments of precision, and he would order changes, dictated not by mean local politics, but by the universal demands of science.

6. *Heating*.—Each visitor was asked to report on the jail: "How heated?" The replies indicate, so far as can be judged, that the heating is generally adequate. As the county jail is generally near the court house, often in the same yard, the one steam heating plant provides warmth in cold weather for sheriff's or jailer's residence, for the jail and for the court rooms and county offices.

We should like to know more of the connection of the heating arrangements with those for ventilation; but on this important point we have comparatively little information.

7. *Light*.—The question was: "How lighted?" We frankly confess this question was not a good one; the special inquiry was not thought to ask about sunlight, and the usual answer related only to the minor matter of artificial light for evenings. It is very interesting to note the large number of jails using electric light, even in villages. This light does not defile the air, is cooler in summer and can be better controlled by the jailer.

The plans of the jails reveal what the answers do not, for the places of windows are often shown. So far as we can judge from the plans and descriptions, the window space may be large enough, but the position of windows in relation to cells is inex-

cusably bad. It is simply impossible to furnish adequate sunlight in cells with the customary style of building.

The very structure of the ordinary jail is radically wrong and offends against the laws of health. From ocean to ocean one uniform plan has been slavishly copied from bad models—a cage of cells surrounded by a corridor. Into this corridor are emptied the foul breath and foul language of the occupants of darkened cells. It becomes a common reservoir of deadly elements. The light of windows and the pure outer air do not enter the cell directly, but only through this corridor. No man builds a pig pen or a hen coop on such a monstrous plan. The jailer's residence, adjoining, always admits sunshine and air directly into each sleeping and living room.

8. "*Source of Water Supply?*"—The answers are fairly satisfactory. The typical jail is supplied from the city, town, or village water works, whatever that may be. But frequently this water needs to be sterilized to be safe for drinking purposes. On this point we have not sufficient information; and the problem is one for special investigation. Here, again, a scientific inspection by a central State sanitary authority, with vigilant supervision and rigid control, are imperatively demanded. Local supervision and regulation are farcical. There is too much faith placed in filters; boiling the drinking water is seldom, if ever, mentioned.

9. "*Sewage.*"—The questions were: "Closets: How many? Condition? Are night buckets used? Condition of plumbing? Kind of sewerage? Condition?"

Our table shows quite full and clear information on these points, and we are in a position to speak with a degree of definiteness on the conditions relating to disposal of human waste.

One remark in the reports requires comment. It is occasionally announced, with a note of boastful pride, that the building is clean and the closets sanitary, and that "disinfectants are freely used." We can quote the highest medical authority for saying that the smell of carbolic acid or chloride of lime is suspicious; for where plenty of hot water and soap are used, and where sunshine and air freely play in every corner, and where the plumbing is perfect, disinfectants are not needed.

10. "*Bathing.*"—We sought information on this important point

by asking: "Are there bathtubs or showers? Number? Where located? Condition? Bathe how often?"

It is generally conceded by public sanitary authorities that the bath tub, in a promiscuous crowd of persons, many of them having venereal skin diseases, is a vehicle of contagion which ought to be abolished. The shower bath, passing warm water over a well soaped man, on a well drained cement floor, is more effective and far less dangerous. It costs less to supply warm water. The reports seem to show that there are very few shower baths in our jails, and that where any facilities are provided, they are tubs, which are easily made dirty and dangerous, and are hard to keep really clean and safe.

11. *Exercise*.—"Prisoners' Exercise: How conducted?" For answer, we hear, in almost all the reports, the dull, monotonous, maddening tramp of prisoners aimlessly walking up and down the corridor of the county jails of our land. Of course this tramp is not at the specific command of the jailers; the slouching march over the same dead level of stone floor is the only means of exercise, and in that sense is compulsory. In François Coppé's story, *Le Coupable*, we have a vivid and dramatic picture of the physical and psychical effects of this irrational, aimless, maddening form of exercise.

The problem of exercise cannot be separated from that of occupation and industry. To some slight extent the deplorable situation is partly relieved by the fact that trustees are sometimes set to work on lawns or other outside work; that here and there a stone pile furnishes rude music and the faint hint of useful labor; and that generally the prisoners must give a few minutes of their tedious days to making beds and cleaning floors.

But let anyone of us imagine himself waiting, perhaps for many months, perhaps even for years, with no exercise but the tramp, tramp in the close and dark corridor of a county jail. It is the path straight to lunacy. Why not have walled yards in the open air, partly sheltered from rain, covered over with steel wire to prevent escape? It is simple; it is easy; it is human justice; it is social interest and wisdom. But it is rarely thought of. Anyone who has seen French jails of the better sort knows how easy it would be to correct this defect.

12. *Recreation*.—A certain amount of diversion is necessary for sanity, especially with idle men. In a very few jails some

attention has been paid to this matter. When Mr. Whitman was jailer in Cook County, Illinois, he developed some interesting plans in connection with his Moral Improvement Association and his library. We fear that the reading of prisoners and their conversation are seldom helpful to character. Card playing is the universal resource for passing the dull and anxious waking hours; it is better than nothing and probably aids mental sanity; but too much of it is stupid and stupefying.

13. Of *medical care* of prisoners we learned little from the schedules, chiefly because no specific question called for information. In a few large urban jails, a ward is set apart for a hospital. Occasionally it is reported that a physician, paid by the county, makes regular visits or comes at call.

14. The facts about *crowding* are fully and clearly brought out in the schedules, which called for answers to the questions: "Number of cells? For men? For women? Size (of cells)? Where are children kept? Inmates present—men, women, boys, girls?"

Here we have to do with population and its crowding, with reference to health. It is evident that a crowded jail or a crowded quarter of a jail must have vitiated air, must depress vitality, must increase tendencies to low vice and hence physical and moral degeneration.

All stages of occupation of space are reported, from the entirely empty rural institution, in a prohibition county of Kansas, where the only inmate was a man who had kept a "blind pig," to the ill-smelling city jails, where, at times, the cells are packed at night like the lower deck of a slave ship, and where the corridors afford scant room for the crowd of men who swarm in there during the day. An average for the whole country would mean nothing. A few illustrations of jails, where conditions cry out for reform, would be more instructive.

Our standard of crowding is that a cell is crowded when it contains more than one inmate, and less than the necessary cubic feet of air space and less than the desirable current of ventilation, day or night.

Let us take some examples from jails in urban counties:

In Birmingham, Alabama (first in alphabetical order of States), we find reported, 240 men in 72 cells and 25 women in 10 cells. The cells are 8 by 9 feet. There was one boy.

In Denver, Colorado, there were 189 men in 90 cells and 22 women in 20 cells, 6 x 9 feet.

In Los Angeles, California, there were 135 men in 88 cells; there were 30 cells designed for four men each, and 48 cells designed for two men each, 8 x 8 feet and 8 x 6 feet.

In Colorado Springs, Colorado, there were 55 men in 19 cells, and 4 women in one cell room.

In Stockton, California, there were "6 drunks" in one cell, 15 x 18 feet, and 46 prisoners in 26 cells.

In Washington, D. C., the total capacity claimed by the authorities was 320, while the total population was 474—a bad example for the capital city of the nation.

In Chicago, Illinois, there were 434 men in 368 cells, with 39 boys in a congregation by themselves.

In Indianapolis, Indiana, 143 men and 16 women in 54 cells. There were 2 boys, and children are kept in the women's department.

In Terre Haute, Indiana, there were 73 men in 35 cells, and the visitor says there have been 110 at a time in this jail.

In Marion, Iowa, a small jail, built with 4 cells for men, had 20 men.

No jail in Kansas is reported as crowded. Is that because it is virtually a prohibition State? But the jails of Kansas are not models. Rural and village jails usually have space enough for health, but they are among the worst for vile familiarities of association. The ordinary standard for judging whether a jail is crowded or not is too bad for a stable or cow shed, much less for human beings. This common standard is that, so long as men can find room in bunk, hammock or on stone floor, with a newspaper for a mattress, the place is spacious enough. This is manslaughter.

The modern, up-to-date, scientific standard is that each prisoner, awaiting trial, must have a decent and spacious cell to himself, without corrupting and degrading contact with criminals; and that when two inmates are in company, there is crowding in the hygienic and moral sense. Judged by this modern standard, almost every jail reported to us requires to be rebuilt on a new plan; almost all are liable to be crowded, if there are more than two or three prisoners at one time.

III. OCCUPATION OF PRISONERS

The inmates of jails are chiefly of two classes—those awaiting trial and convicted misdemeanants. Sometimes there are tramps and abnormals. It is not necessary to offer proof to the American Prison Association that useful work is a necessary condition of physical and moral soundness.

We already know that the inmates of our jails are generally idle.

In certain places there is some attempt to connect a stone pile or some such makeshift and make-believe employment with a jail, largely for the discouragement of tramps.

In 143 jails no occupation is reported for men, and in 155 jails women are said to be entirely idle. In 26 jails the men do a little housework, and in 33, the women help with cooking, scrubbing and other routine tasks. Perhaps many of the men and women reported idle may be required to keep their cells in some kind of order, though this is not reported in the schedules. In 7 jails, the women do sewing. Workshops for men are mentioned in 7 jails. City prisoners are worked in chain gangs in two prisons in Colorado, and in three other jails, work on streets or roads is mentioned. Idleness is the rule. In only 2 jails could we find any custom of encouraging labor by payment of gratuities or wages.

In Maine, Connecticut, Massachusetts and Pennsylvania, some systematic arrangement for industries is made.

Under the present jail system, and the laws relating to jail population, we are satisfied no considerable improvement can be made. The disease is too deep to be cured by mild remedies.

The ordinary term of imprisonment of convicted misdemeanants, vagrants and inebriates is too short for any sort of industrial training or systematic production.

The local county jail has too small a population to justify systematic arrangements for rational and productive employment under competent direction.

A careful study of the situation in all parts of the land has already driven many of our members long ago to the conclusion that we must have district labor colonies or workhouses for those convicted of offenses, and that the term of degenerates must be at least two years, if we really intend to fit them for useful lives.

IV. PERSONAL CONTACT AND INFLUENCE OF PRISONERS AMONG THEMSELVES

Useful labor and good company are two of the most essential factors in forming a good character; idleness and vicious companions inevitably destroy fitness for social conduct.

Our investigation has brought together all the essential facts relating to the conduct of prisoners with each other. Under present conditions and laws, the county must provide for males and females; children, youth and adults; first offenders, habitual criminals, vagabonds, prostitutes; witnesses held for their testimony; poor debtors whose crime is their poverty; idiots, imbeciles, insane, epileptics; persons arrested on suspicion and apoplectics whom the sapient policeman could not distinguish from drunkards. Often all these, under one roof and management, in a building so built that cries and whispers travel along a corridor with cages open at the side.

We are strongly tempted to specify particular cities where nameless abuses exist; where vile men find their way to the door behind which prostitutes stand; where little children are kept in rooms with polluted and diseased adults; where a thoughtless lad is thrust by the hand of our country's laws into the school of vice and crime, taught by trained scoundrels; where a girl for venial fault is shut up with her damnation for a night with some strumpet; where a poor insane victim of brain disorder howls all night in company with ruffians; where an honest fellow, unable to pay a fine for a spree, is locked in with burglars and thieves.

These are not pictures from novels; they are bald, prosaic facts set down by honest eye-witnesses in answer to printed questions.

V. We have inquired, just now, how prisoners help each other to perdition by association in idleness.

What does the State do to furnish counteracting influences of a higher character? What is the Church doing, in remembrance of Him who said, "I was in prison and ye came unto Me"?

We are ashamed to print the truth, and yet we are afraid to conceal it! We asked our faithful and competent visitors to inquire and answer these specific questions: "Reading matter? Religious services?"

Some sort of reading material is supplied in 253 jails of the 289 jails reported, and none is reported in 25. Mention is made of visitors in 7 jails. Religious services, in all degrees of regularity and efficiency, are held in 183 jails; while in 88, no sort of exercises of this class is known.

VI. ADMINISTRATION

It was not necessary to ask our visitors to describe the system of official administration of county jails, for that we find in the laws of the States to which we have given as much attention as time permitted.

The system is fairly uniform and is familiar to the American Prison Association. The county commissioners represent the taxpayers in making regulations and caring for public buildings. Ultimately, as elective officers, they must obey their masters, and so they reflect the popular opinion of the county—its knowledge and its ignorance, its wisdom and its meanness, its humanity and its brutal indifference. Sometimes, let us hope, they make some efforts to educate their masters; but that is slow work, and a very important part of their duty is to exploit their office while they hold it, rather as a sinecure than a trust. We give full praise to commissioners who try to know and do their duty. Only the other kind has any reason to wince at our description of reported facts.

The sheriff is also elected by the people—so it is set down in the law. The inside facts, as told in confidence by "The County Chairman," often have the appearance of a selection by a "ring." Sometimes the sheriff is jailer—the rule in rural communities; sometimes he is a boss and hires a jailer. The method is indifferent. The essential fact which concerns us is that the State law against crime is not executed by State officials, but by local officials. Is this logical? Is it safe?

We did ask one innocent-looking question: "In and out fee?" Some of the visitors did not understand the question; they had never studied the "fee *vs.* salary" controversy, or it had been settled long ago in their neighborhood. We turned up plenty of ugly testimony to the effect that when a county sheriff is paid for his services in fees, rather than by salary, he must have the sturdy virtue of a Cromwell or a Lincoln to preserve his soul in a state of grace. Most county sheriffs are too honest to pretend

to know what a "state of grace" signifies. That much to their credit! But we are attacking a system, not particular individuals, unless they defend the old system; then they come out in the open as public enemies.

The testimony from all parts of the land demonstrates that the fee system tends to injustice, to false imprisonment, to delay of trials, to plunder of the public treasury, coming and going, in and out, to partisan corruption, to official robbery, to the defilement of the character of the agents of justice.

VII. DISCIPLINE WITHIN JAILS; RULES OF CONDUCT AND METHODS OF ENFORCING THEM; AND THE "KANGAROO COURT"

We find explicit mention of self-government among prisoners, with some degree of control by the jail authorities, in several jails of the Western and Southern States. This self-government is sometimes called the "Kangaroo Court"; whether it was imported from the British South Pacific colonies, along with other strange marsupial animals, we have not discovered information. It seems to be an American revival of a vicious old English custom; its persistence is thought, by experts, to be a proof of the incapacity of the authorities to govern as their duty requires and as one more evidence that the crowding of offenders and suspects, of all grades, in one hall, gives power of tyranny to the basest bullies of the herd. This singular and dangerous institution must be discussed by itself, with further facts.

We have made a collection of rules for the conduct of prisoners by courts, commissioners and other authorities, and these cover the care of cells, cleanliness, order, propriety and personal treatment of officers and fellow prisoners, etc.

These rules are enforced by penalties. Usually these disciplinary punishments are graded according to the offense and the attitude of the prisoner. In 83 jails, special punishment cells or dungeons are used; in 2 the offender is handcuffed to the door of his cell; in 11 jails reprimand or loss of privileges may be applied; in 6 the diet is restricted; in 8 the offender is confined in his cell and not allowed to walk in the corridor; in 1 jail work is prescribed; in 14 the measures are not specified; in 1 the lighter penalties are applied by the prisoners' court; in 61 jails, no

punishment seems to be employed. Here, also, is a large subject for special treatment.

VIII. THE POPULATION OF JAILS

The schedules called for information, on the data named, of persons of the following classes, each class being subdivided into men, women, boys and girls: (1) Awaiting trial; (2) enduring a jail sentence or detained because of unpaid fine; (3) sentenced to State prison; (4) sentenced to reform school; (5) epileptics; (6) feeble-minded; (7) sentenced to reformatory; (8) insane, waiting; (9) insane, chronic; (10) tramps; (11) witnesses; (12) city prisoners.

Those awaiting trial and those serving short sentences are naturally the largest number. Only those of the first class should be in a jail; all the others should be placed elsewhere, save those on their way to State prisons and places of correction. In these first two classes we discern a large number of boys and also many girls, many of whom, under a good system of juvenile courts and detention homes, might be spared the demoralizing influences of the place.

Boys sent to reform schools figure in these columns.

Under the head of "abnormals," we find epileptics, feeble-minded and insane. The authorities are not always, nor often, psychiatrists, and the returns sometimes show hesitation whether a party should be classed as epileptic, insane or just plain drunk. The number is not very large—not large enough to make it a burden to the State to give them decent care in suitable institutions, yet too large for the honor of our country. Manifestly, all members of these classes are out of place in jails.

Of "witnesses" detained for their testimony, 61 are noted in the replies. The reasons for their detention are not given in detail and the whole problem of their presence in county jails requires a separate study.

The column given to "tramps" in county jails reveals the fact that they are found in jails, in almost all parts of the Union. As another special report is devoted to this subject, at this session (by Mr. O. F. Lewis), we omit a discussion of this aspect of our problem.

PROPOSED IMPROVEMENTS

A standard of requirements for a really modern jail; recommendations of the committee.

Some of the requirements cannot be met simply by changes in the structure and administration of the jail itself. Modern conditions and knowledge call for radical changes in laws and in the entire State system of correction and punishment. But some of the improvements demanded could be made at once in any county by an enlightened public and a vigorous county board.

I. The jail must be strong and safe. There are architects and jail builders who can easily and economically construct a jail to meet these conditions.

II. The jail should be so built and its affairs so administered that the health of prisoners and officers shall not be impaired. Among the conditions of health are:

(1) A sufficient supply of simple, wholesome food. The best way would be to have the dietaries regulated by a State commission of physicians. Laymen have not the knowledge to arrange balanced rations, suitable for all classes of prisoners. Local physicians may be authorized to direct diet, in the absence of a State commission.

(2) Clean underclothing is essential to health, and it should be furnished by the county if the prisoner is too poor to pay for it. This underclothing should be washed in a laundry and not in bath tubs, as sometimes occurs.

(3) The bedding should be clean when furnished and kept clean; no prisoner should lie on his bed in the daytime, unless sick, in which case he should be in a hospital ward.

(4) Ventilation should be secured by providing a large cell, with a window opening directly to the outside air; and the air should be renewed constantly by forced currents through pipes to the roof from each cell.

(5) Each cell should be heated from a central system and the foul air removed by forced drafts. The air of one cell should never be breathed by anyone except the single occupant of that cell.

(6) Lighting. For artificial light, electricity is best, because it does not foul the air, in summer it does not heat the cell, and it is most easily controlled by the officers on guard.

Natural light is necessary to purify the air and destroy bacteria, and it should come into the cell directly from the outside. A cell without sunlight is a center of infection for the whole jail.

(7) The drinking water should be analyzed by competent experts, and, if necessary, boiled to prevent intestinal disease. Filters are generally dangerous.

(8) The waste water, with human excrementitious matter, should be disposed of through approved plumbing drains and sewers. Cesspools are dangerous as well as disgusting. Night buckets cannot be kept clean.

(9) Provision for bathing should be made by means of shower baths, in screened compartments, and the waste water conveyed by cement floors to the sewer. Tubs are means of communicating venereal and other diseases.

(10) Provisions should be made for at least one-half hour's exercise, daily, in the open air. Still better, if convicted prisoners must be retained, by some useful industry in the open air or in well-ventilated sheds or rooms.

(11) Recreations are essential to health if prisoners are held for some months.

(12) A jail should be provided with a hospital ward for the sick, or with special cells. A physician should call, at least once a week, to inspect sanitary conditions and should be ready to give advice and aid to the sick at all times, at the expense of the county where the prisoner cannot pay.

(13) The prisoners should not be crowded, for crowding vitiates the air and increases peril from contagious and infectious diseases. Each prisoner should be in a cell alone.

III. Occupation. Idleness is injurious to health and morals of the prisoner and burdens the public. Prisoners awaiting trial should have an opportunity of working for wages; and if convicted persons must, for a time, be kept in jail, they should be compelled to work at some useful and productive industry.

IV. Personal Contact of Prisoners.

1. Classes of persons who should never be placed in a jail or a lockup. The sick, those suffering from sunstroke or apoplexy, the insane, the feeble-minded, the epileptic—all who are abnormal or ill—should be sent to a hospital, never to a prison.

Boys and girls who have committed some offense, or are in

trouble, should be sent to a detention home and placed under the care of school officers.

First offenders and many drinking men who are now committed to jail on sentences might better be disposed of by suspending the execution of their sentences, on condition that they secure employment, use their earnings for the support of their families and keep out of vicious company. If the court has a probation officer, the man should be placed under his supervision. If there is no probation officer, the man should be required to report to the court, or to some person designated by it, at stated periods. If work on public roads is in progress, it might furnish employment for men released on suspended sentence. (W. F. Spalding.)

2. Every convicted person, the moment sentence is pronounced, should be taken immediately to the proper reformatory, penitentiary, district workhouse or labor colony.

Thus the number of persons in county jails in idleness would be greatly reduced.

3. Only persons charged with serious offenses and crimes and awaiting trial should be left in the county jail; and each prisoner would be saved from contamination by being placed in a cell so constructed that he could not see nor converse with any other prisoner, but he would be under the watch and influence of proper persons appointed by the authorities.

V. Outside Influences. Suitable provisions should be made, in the character of sheriffs, jailers and guards, and by visitors from without, to influence the prisoners in confinement by conversation, reading and proper recreations.

VI. Administration. All officers who come in contact with prisoners should be paid adequate salaries, and the fee system should be abolished as a source of corruption and injustice. No one who has to deal with prisoners should be permitted to sell them food or luxuries.

VII. Discipline. Rules of conduct of prisoners should be drawn up by a State central authority to prevent arbitrary treatment of prisoners. Disciplinary measures should be defined and limited by the same authority.

IV

REPORT OF SPECIAL COMMITTEE ON JAILS,
LOCKUPS AND POLICE STATIONS

By H. H. SHIRER, Chairman
Indianapolis, 1913

This committee was created several years ago for the purpose of submitting reports from time to time upon the subjects referred to in this title. This report will be limited almost exclusively to county jails—particularly those used as places for detention of persons convicted of crime.

The chairman directed a letter to all members of the committee and received replies from five. Each of the correspondents gave suggestions which are incorporated in this report. Inasmuch as some members of the committee did not respond, it seems proper that those assisting in the preparation of this report should be mentioned. Helpful suggestions were received from Prof. Arthur J. Todd, University of Illinois; W. A. Gates, Secretary California Board of Charities and Corrections; C. L. Stonaker, General Secretary of State Charities Aid and Prison Reform Association of New Jersey; Dr. W. H. Oates, Prison Inspector of the State of Alabama, and William T. Cross, General Secretary of the National Conference of Charities and Correction.

The time allotted to this committee necessitates a brief report. Without going into a detailed argument, the following recommendations are set forth:

1. In states where there is no definite form of inspection or supervision by a state board or an official a law to that effect should be passed so as to have a comprehensive report on county jails.
2. Wherever possible, place full power in a state board or an official to make inspection and issue orders of such a character as to make the recommendations effective after an inspection has been had.
3. The establishment of state farms for misdemeanants, or district workhouses, in order to prevent convicted offenders from being confined in county jails or other local institutions.
4. Modify court procedure by permitting the suspension of an order to commit to jail for failure to pay a fine, provided that

wherever possible restitution against the offended person shall be made by the offender and a frequent report be made to the trial court or to an official thereof.

5. The establishment of an habitual offender act so as to permit long term imprisonment of persons repeatedly found guilty of minor offenses.

6. The almost universal custom of placing the county jail in charge of the sheriff should be radically changed so as to provide that some designated authority appoint the keeper of the jail. He may or may not be the sheriff.

7. Abolish all features of the fee system of compensation for care and custody of prisoners in county jails.

8. Inasmuch as many of the inmates of county jails are held awaiting trial for offenses against the laws of the state rather than ordinances of the local community, county jails must in time come under the direct control of the state, and ultimately the buildings should be owned by the same governmental unit.

In regard to the first two recommendations, it is sufficient to say that in a number of states certain boards now have authority to investigate and inspect county jails. Their reports are published in full, but it seems that these investigations and reports are not very effective in producing desirable changes in equipment and management. At the Prison Congress last year there was read a paper, prepared by Dr. W. H. Oates, State Prison Inspector of Alabama, who described in detail the very practical and effective plan in that southern state. The state prison inspector has power to transfer the inmates of a county jail to another institution when he finds an insanitary jail. The inspector can also order the construction of a new building or the radical remodeling of an old one, as well as issue rules for the general conduct of any prison.

The Legislature of Pennsylvania, at its last session, passed an act conferring upon the Board of Public Charities express authority to examine certain institutions, including jails, and to recommend changes in structure and management. Upon failure of the responsible officials to give proper attention to such recommendations within ninety days, the Board of Public Charities shall notify the district attorney of the county in which the institution is located, whose duty it shall be to proceed by indictment or otherwise to remedy the objectionable conditions.

In the matter of special institutions for the confinement of convicted misdemeanants, the desirable solution would be farms owned and controlled by the state, with a provision that the persons committed thereto shall be under limited indeterminate sentences and shall be released only after a specified minimum term of custody at the farm. This method already prevails in the Reformatory for Women in New York, and is provided for in relation to a similar institution now under construction in Ohio. These recommendations would be somewhat difficult to carry out in certain states where there is a number of city and county workhouses, unless these workhouses are so far in advance of the average institution of that name that in some way they can be continued as a part of the state farm plan. Where the state farm seems to be impracticable, there should be established a scheme for district workhouses or farms, each district to include a sufficient number of counties so as to afford a reasonably large number of inmates to make the institution practicable in its operation. In the establishment of state farms and district workhouses special care must be taken to provide definite forms of labor for all of the inmates. While farm labor alone may be sufficient in a few instances, it will generally be necessary to provide for some other forms of occupation in addition to general farm work.

The recommendation for the modification of court procedure is already gaining recognition through the enactment of suspended sentence laws with a provision for an adequate number of probation officers. Such laws should contain a definite provision requiring the offender to make restitution in cases of petit larceny and other offenses against property, subject to such terms as the court may impose. The payment of fines upon the instalment plan is also desirable.

In regard to the habitual offender act, one illustration will be sufficient: "The sheriff of a county in New Jersey went over his records for five years and found that he had six men who had spent during those five years one-half their time serving short sentences in the county jail. He presented his facts to a grand jury, who promptly brought indictments against these six men under the habitual offender act. Two of the men reformed and became good citizens, and the other four disappeared from the county. That county has not been troubled in the last year or two with rounders."

The sixth and seventh recommendations concerning placing the jail in charge of an appointed person who has a special fitness for the position and the abolishment of the too-common fee system need no further comment before the members of this association.

The last recommendation—state ownership and control—is the ideal toward which persons interested in prison reform should strive. Effective state inspection may be sufficient for a time, but in some states bonding laws are so rigid that no state official can order a local community to make expensive changes without a referendum vote. Other elements of home rule may serve to make state inspection very difficult: probably not without considerable friction between state and local authorities.

The most critical period in a first offender's life is the time of his commitment prior to trial. This is the time when the state should, through direct ownership and control, provide very careful supervision and watch over such men in their hours of greatest need. Many of these men are not convicted and they have a right to expect and to demand reasonable care and consideration prior to the time at which they are declared to be innocent of the offenses for which they had been accused.

The committee leaves it to others to report upon recommendations concerning lockups and police stations, a problem which is as great as the county jail, or even more so.

V

ABSTRACT OF REPORT OF COMMITTEE ON JAILS, LOCKUPS AND POLICE STATIONS

By JOHN L. WHITMAN
Of Chicago, Chairman, 1914

Intelligent inspection has in many cities or communities been made, and recommendations followed, which, when carried out, resulted in improving conditions in some respects—possibly in reconstruction, or even new construction, where old, dilapidated, or antiquated buildings had previously been utilized as places of detention for those charged with having violated the law. These improvements, in most instances, have been made along approved lines, and are more or less permanent in their character, but are

not radical enough to even approach ideal conditions that should prevail in houses of detention, which are intended only to house those who are suspected of being misdemeanants or felons.

In reality it is here that exhaustive research work should be done looking to the solution of the great problem, The Cause of Crime, which has occupied the attention and been discussed very seriously by experts and specialists in their scientific study of the subject.

Before preparing this report the chairman communicated with the entire membership of the committee and received statements from most of them, from which it can be deduced that the consensus of opinion is that the jail system, as Mr. Leonard called it, is not productive of the sort of results that the public have a right to expect from it.

Our present system, which provides, in some instances, only for the imposition of a fine and imprisonment in case of non-payment, has not proven to be a cure. Our probation and parole laws have been operated successfully only in a limited number of cases, probably because there has not been a complete and exhaustive study made of the cases that would mean a good diagnosis, enabling the administrators of the law to prescribe a curative treatment.

Houses of detention will not be performing their natural functions to the fullest extent until facilities are provided in them, and they are manned by those competent to use those facilities in making a proper diagnosis of the cases committed to them, so that intelligent treatment may be accorded the individuals there or in institutions better fitted to administer a curative remedy, which will either mean rehabilitation of the patient or a protection for the public. This would also be assisting those who are attempting to solve the problem as to "The Cause of Crime."

Mr. Thomas, Secretary of the State Board of Charities and Corrections of Colorado, said: "Throughout the United States we are following the most expensive and least effective system of dealing with petty misdemeanants. The absolute absence of reformatory influences in jails, lockups, and police stations is a sad commentary on public economy, as other organizations must

expend the people's money to counteract the physical demoralization caused by the carelessness of the divisions of public administration. It is to be regretted that there is a dearth of literature on jail architecture and management. It seems physically and financially impossible to remodel the existing jails, or their management, to conform with present-day ideas; but much can be done to improve conditions.

"Public officials should be educated to the necessity of seeking expert advice when new jails are to be erected. The average man who has to do with letting contracts for the erection of jails knows little or nothing of what is required in such a place; nor is the average architect competent to present properly designed plans for such an institution. In the future there should be a definite policy pursued in relation to the requirements of jails, and the architectural details of same should conform to the policy adopted.

"The question of location should also be carefully considered. Trained men should be in charge of the jails, and a reformatory influence be thrown around the inmates immediately they are received. It is here the regeneration of the lawbreakers should commence, and the discipline of the place should be a part of a well-considered and approved system, beginning with the jail and ending with the penitentiary."

If, upon examination, some are found to be mentally deficient, then a careful study should be made to determine to what degree, if at all, they could be benefited by any kind of professional treatment, or how they should be handled while restrained of their liberty after conviction, or awaiting the judgment of the court before trial.

When the courts learn that such information is at hand as experts and professional men can give in a report after examination has been made by them of mental deficiency or physical illness, the courts will undoubtedly be anxious to secure it and be guided thereby in determining what judgment to render; if the accused is guilty of a crime, what sort of care he should get, and what sort of an institution should restrain him, the diagnosis in his case following him to that institution. If released by the court, those in whose care he is placed should be informed, if not instructed, how he should be handled or assisted so as to make him

self-supporting and non-criminal. Most mental defectives can as easily be made non-criminal as criminal.

I will not attempt to discuss in this report how the criminal code might be changed so that it would be considered a part of the application of the work of the jail system to provide efficient medical service; the application of the conclusions of an industrial psychologist to vocational placing or training with the view of determining the vocations inmates are most adapted to, as well as the exercise of reformatory influence, which is spoken of by other members of the committee, which means public welfare and social service work that has already been taken up by commissions and bureaus under the direction of municipal or state government in public institutions.

If the signs of the times are read correctly, all this will be done in the near future; in fact, is being done now in some form in some localities, especially in large cities.

The policy of having jails, lockups, or police stations under city, county, or state control might and probably should be considered alone and separate from the policy above outlined.

The conditions in rural districts, where there are lockups in villages, and the county jail the only intermediate place between it and the state penitentiary, constitute a situation somewhat different from the large cities, where the police stations take the place of lockups. But in both the rural districts and the cities the same policy should and can be adopted, providing for scientific care and treatment of those coming under the ban of the law.

The fact is now being recognized that only a comparatively small percentage of offenders are wilfully following a criminal career, that a large percentage will, when studied, reveal an underlying cause for their apparent criminal tendencies, over which it will be found they have had but little, if any, control. This cause can be determined and often removed while they are in houses of detention awaiting the action of the law, and no great amount of legislation or added expense will be necessary to provide the facilities to do this, either in rural districts or the cities.

Therefore the following may be offered as the program of a psychological research laboratory in a suggested centralized system for unconvicted offenders.

The work naturally divides itself into two divisions: First—Diagnosis. Second—Treatment.

Diagnosis.—Under this heading are included the social, the physical, and mental examinations. In the mental examination modern scientific apparatus would be used, such as the Binet scale, form boards, construction puzzles, the dynamometer, ergograph, algometer, among other experimental material, for the purpose of determining a subject's capacity and development in sensation, perception, attention, concentration, association, memory, imagination, discrimination, connotation, affection, reasoning, suggestibility, besides determining the ideational type, the reaction type, and so on. Besides what has already been enumerated, the mental age, special abilities, predilections, likes and dislikes, and moral development will be determined. Here, also, will be estimated the psycho-physical power of the individual, his general strength and that of specific body parts; his fatigue index, his power of endurance, his daily work-curve, his efficiency type.

Under the caption "Physical" will be included an examination of all organs, internal and external, both as to development and function. For this latter purpose biochemical analyses will be made to determine any disorders of metabolism, any abnormalities in body secretions and excretion. A systematic diagnosis will be made of the condition of the eyes, ears, heart, lungs, kidneys, liver, etc. The reflexes will be examined and the blood pressure noted.

The social examination will include the subject's personal history; his education, employments, arrests, difficulties, diseases, habits, ideals; his family history, his heredity, and the condition of the environment in which he at present finds himself.

Treatment.—On the basis of this diagnosis a plan for individual treatment could be much more accurately and much more satisfactorily stated. The treatment will cover five different fields: industrial, physical, educational, recreational, and environmental.

Under the Industrial will be included vocational guidance and vocational training. An attempt will be made to adjust more closely worker and industry, for the purpose of preventing, as far as possible, any human or economic waste.

Under Physical Treatment will be included the removal of all physical factors tending to make the individual less fit, and the development of those powers tending to make him more of an



economic asset. Hygiene of body and of mind will be the goal toward which all efforts will be aimed.

The Educational Treatment will include specific trade training as well as the assimilation of that necessary knowledge and information which go to make an American citizen more and more efficient.

The Recreational and Environmental Treatment will be more in the hands of social workers and public welfare agents after the inmate leaves this centralized institution.

Throughout all this work a close coöperation will be maintained between this laboratory and all social agencies.

One of the most important features of this program will be an efficient "follow-up" system, to check up the hypotheses and conclusions of the laboratory psychologists and physicians by an actual observation of the released cases.

VI

ABSTRACT OF THE REPORT OF COMMITTEE ON JAILS, LOCKUPS AND POLICE STATIONS

By WILLIAM T. CROSS

Of Chicago, Chairman, American Prison Association, 1915

The following table is derived from statistics given in Bulletin 121 of the United States Census:

	In Institutions January 1, 1910		Committed during 1910	
	Number	Per cent	Number	Per cent
State prisons, penitentiaries and reformatories	67,871	49.7	27,732	5.6
County jails, workhouses and chain gangs	35,008	25.7	275,658	55.8
Municipal jails and workhouses	8,619	6.3	176,397	35.7
Institutions for juvenile delinquents	24,974	18.3	14,147	2.9
Total	136,472	100.0	493,934	100.0

EDITOR'S NOTE: The foregoing table does not include prisoners awaiting trial, witnesses, insane persons, or children.

Statistics, such as the Federal census has been able to gather, including the general classification of offenses, show fairly well the magnitude of crime, but only in a limited way can they be expected to portray the quality of such problems as those under the consideration of the committee. For the latter purpose a much safer guide is the experience of any state in which the subject has had considerable attention. This is natural, for the treatment of crime is chiefly a state function.

But the essential character of the problem appears only with a knowledge of the individual cases involved. . . .

Our chief regret in the preparation of this report is that there is not sufficient space for copious illustration with case descriptions, as it is our conviction that all reforms in this field must be based on a more systematic and intelligent effort to understand the peculiar condition and needs of the individual delinquent.

The local jail has long represented the entire process of treatment of the misdemeanor. Incidental to the main thesis of this paper, however, it is intended to demonstrate that (1) the old-fashioned jail is unsuccessful as a means of reformation of the petty criminal, and (2) the making over of this institution is only part of a larger scheme of treatment whereby we may hope to reduce the burden of crime. It would be manifestly illogical at this stage, when the more comprehensive plan has not been brought home with sufficient emphasis to the consciousness of those who are dealing with the problem, to devote our attention exclusively to the administration of jails, narrowly conceived as a problem of prison science. The functions and duties of jailers should, to be sure, be limited sufficiently for purposes of practical administration. The natural limitations of official action in any department of government must not be lost sight of. But if the historic jail is in a state of evolution, we can neither give much encouragement to the well-intentioned jailer who has long wanted to see better results from his efforts, nor hope to halt the process of training criminals for the future unless there is a better understanding of the entire new system toward which we are tending.

To demonstrate and record the important change that is believed to be taking place in the aspect of the local jail question is the main object of this report. From the literature of the subject, from conversation and correspondence with representative offi-

cials concerned with jail administration, and from personal experience and observation, we are convinced that the principles and practical issues involved in handling this subject twenty-five years ago and now are widely different. Under two such different régimes an identical procedure should not be expected. Many authorities dealing with the jail question today are confessedly discouraged. Yet why should they be if there is a sign of hope on the horizon? It would be a matter of chagrin to us to discover that we are postponing the ideal day by too long consorting with outworn principles, that we are lingering in sight of the "promised land."

The literature of this local jail question holds in store for the student of social reform a disappointing experience. The matter has not been under discussion so long without our learning many facts and principles. Nevertheless, President Byers truly summed up the situation in his address before this Association in 1898, when he said: "If we are to judge from what has been said and written in the past ten or twenty years regarding the county jails of our country, we are today little, if any, in advance of our model of more than a century ago." Mr. Byers came to the conclusion that what progress has been made has been along material lines. The late Dr. Fred. H. Wines, in his masterful address at the Boston meeting of the National Conference of Charities and Correction on "The Abolition of the County Jail," said: "Of all the reforms included under the general title of prison reform in the United States, none is so urgent as the overthrow of our existing system of dealing with misdemeanants. Three-fourths of those in custody are in fact held in institutions, the practical effect of which is to train an unascertained percentage of their inmates for the penitentiary." But, notwithstanding such scathing arraignments, this subject has not had the continuing intelligent attention which it deserves. Perhaps a partial explanation can be found in the fact, for example, that in Dr. Wines' splendid review in 1890 of "Twenty Years' Growth of the American Prison System," the jail question is scarcely more than mentioned. Only recently have authorities in a few states begun to demonstrate that the work of jails is part of a complete system by which the state undertakes to combat crime. A committee on this subject in this Association has been continuous only since 1911, and it is still called "special."

The appeal of Dr. Hastings H. Hart at the 1907 meeting may well be recalled: "I candidly believe that we have reached a point in the development of prison reform when the National Prison Association ought to address itself systematically and faithfully, for a series of years, to the reformation of the county jail system."

In contrast with the standstill we have reached with the jail question, recall the progress we have made in the solution of other social problems. The sister institution of the jail, the county almshouse, has been, in many states, fairly well reclaimed from its early deplorable catch-all character. Children have been removed by legal prohibition, the insane have been taken for specialized care to state institutions, the number of feeble-minded in almshouses, as shown by the last two census reports, was reduced in six years by almost 50 per cent. Within a very few years we have made great headway in the solution of the problem of community recreation. Remarkable improvements have been made in the last two decades in the administration of voluntary charity. Organized effort has, within ten years, been amazingly effective in the reduction of the child labor evil. While in some instances needed reforms have come about too slowly, perhaps no other problem can be named for which methods of partial solution have been so long and so well known, with which we have made so little progress as in the treatment of minor offenders.

It would be an unfair representation of developments in this field to make a clear distinction between ideals of the present and of the past. Nevertheless, a somewhat arbitrary division is necessary in order properly to portray the trend of present-day thought and action. Thus, in a general way, it may be said that, for the most part, the following principles and ideals have been developed and emphasized in respect to local jails up to the last five or ten years:

I. SECURITY

This was the primary principle in the development of jails in the early days. It explains the massive, medieval structures everywhere to be seen, so impossible to administer according to modern standards, and so difficult to modify.

2. CLEANLINESS

This has been an important consideration since the days of jail fever. It is to be secured chiefly through the adoption of sanitary devices and through persevering administration.

3. FOOD

While the opportunity of improvement of the criminal through the adoption of better dietary standards has received scarcely any attention, a comparatively negative aspect of the food question—the method of furnishing meals to prisoners—has made it one of the chief issues in jail reform. A member of this committee writes: "The per diem system of dieting is the curse of the jail." In a few states, after hard struggles, laws have been passed requiring that food be furnished prisoners on the basis of competitive bids.

4. MORAL SUPERVISION

From the earliest days this has consisted mainly of the conduct of religious exercises by persons who have little contact with or conception of the jail problem, frequently under the eyes of an indulgent but skeptical jailer. An effective scheme of practical moral supervision has yet to be invented.

5. CLASSIFICATION OF PRISONERS

This principle, first emphasized for the sake of the most elementary requirements of decency, has had great attention in the last twenty years. It is possibly the most fruitful one of the entire list, for, logically carried out, it will mean the complete individualization of treatment on the basis of the offender's mental make-up and social condition. But classification is shamefully neglected in a great majority of jails. An indication of the possibilities of the principle is to be seen in the effects of establishing the star-class system (for first offenders) in the English local prisons. It is reported that during the first twelve years of its operation only 9.1 per cent. males and 14.2 per cent. females, first offenders, were recommitted.

6. ABOLITION OF THE FEE SYSTEM

It has been known for many years that the political connections of sheriffs are a constant obstacle to reform measures and that the

evil is intensified by the fact that the sheriff's office is generally supported on the basis of fees. The movement, fast gaining strength, for putting the sheriff's office on a salary basis, is an important part of the program of jail reform. With this ideal is usually combined that of better selection of and more permanent tenure for jailers.

7. STATE INSPECTION

The period under review includes the establishment of the principle of inspection of local jails under state authority, with power to enforce the abandonment of jails below a certain standard. New York, Indiana, and Alabama afford good examples in this respect. . . .

8. STANDARDIZED JAIL RULES

In some states it has been attempted to supersede prisoners' moot-court rules and the personal inclinations of sheriffs in the management of jails with standardized rules promulgated by state authority. . . .

9. STANDARDIZED SPECIFICATIONS FOR CONSTRUCTION AND REPAIRS

Such standard specifications have been adopted in a few states where supervision is furthest advanced, in connection with the approval of plans made by local authorities.

The foregoing are principles that have been evolved in handling the jail question, rather than ideals. Until quite recently we have had no conscious policy in the treatment of the misdemeanant. . . . Scarcely any of those services which the state ought to render in the effort to turn the novice in crime into paths of righteousness does the old-time jail system perform, and many conditions directly subversive of character are perpetuated. To quote Dr. Wines: ". . . the best jail that was ever built, although the physical treatment accorded to its unfortunate inmates may be perfectly humane and just, fails to subserve any of the ends of a prison except that of confinement." . . .

In the last decade there have come into prominence, under widely varied leadership, a series of measures and principles which are completely changing the nature of this issue. . . . For the

